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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13  
14 vs.  
15 JULIO MENDOZA MADRIGAL,  
16 Defendant.

17 Case No.: 2:21-cr-0110 DAD-2

18 STIPULATION AND ORDER TO  
CONTINUE SENTENCING HEARING AND  
MODIFY PRE-SENTENCE  
INVESTIGATION REPORT DISCLOSURE  
SCHEDULE

19  
20  
21 Court: Hon. Dale A. Drozd  
Date: September 24, 2024  
Time: 9:30 a.m.

22  
23 This matter is currently set for a Sentencing Hearing on September 24, 2024. Defendant  
24 Julio Mendoza Madrigal (hereafter Mr. Mendoza) requests to continue the Sentencing Hearing to  
25 October 15, 2024. The request for a continuance is based on the following stipulations between  
26 the parties, which constitute good cause for continuance of the Sentencing Hearing:  
27

28 ORDER CONTINUING SENTENCING  
HEARING AND MODIFYING  
PSR DISCLOSURE SCHEDULE

- 1     1. This Court granted the most recent request for continuance of the Sentencing  
2         Hearing, to September 24, 2024, by an Order issued on June 20, 2024. (ECF Entry  
3             198 – hereafter “the Sentencing Order”). The Sentencing Order set out a modified  
4             Pre-Sentence Investigation Report (“PSR”) Disclosure Schedule. The PSR  
5             Disclosure Schedule in the Sentencing Order set dates consistent with the  
6             requirements established by Rule 461 of the Local Rules of Practice for the United  
7             States District Court, Eastern District of California (hereafter “L.R.”).  
8  
9     2. Counsel for the government and defense counsel filed timely Informal Requests for  
10         Correction to the Draft PSR to the Probation Department on August 27, 2024. Both  
11         the government and defense informal correction requests were sent via email to the  
12         assigned probation officer and supervising probation officer.  
13  
14     3. The Probation Department did not release the Final PSR until September 17, 2024 –  
15         two weeks after the Final PSR Disclosure date set in the Sentencing Order and as  
16         required by LR 461(c) (“Not less than twenty-one (21) days before the date set for the  
17         sentencing hearing, the probation officer shall submit the presentence report,  
18         including recommendations, to the sentencing Judge and make it available to counsel  
19         for the defendant and the Government.”)  
20  
21     4. The Probation Department’s late disclosure of the Final PSR did not include all the  
22         requested corrections requested by Defendant’s counsel in his informal correction  
23         letter. Defense counsel intends to file a Motion for Correction. LR 461(d) requires  
24         that a Formal Motion for Correction be submitted “not less than fourteen (14) days  
25         before the sentencing hearing ...” The Sentencing Order, consistent with LR 461(d),  
26  
27

28 ORDER CONTINUING SENTENCING  
HEARING AND MODIFYING  
PSR DISCLOSURE SCHEDULE

1 required a Motion for Correction to be filed on or before September 10, 2024. The  
2 Probation Department's late disclosure of the Final PSR and sentencing  
3 recommendations rendered impossible defense counsel's ability to comply with the  
4 Sentencing Order's deadline to file a Motion for Correction.  
5

6 5. Mr. Mendoza is presently housed at the Wayne Brown Correctional Facility (WBCF)  
7 in Nevada City, California. WBCF is sixty-five miles from defense counsel's  
8 downtown Sacramento office. Defense counsel, due to the Probation Department's  
9 late disclosure, has not had the opportunity to review the Final PSR and sentencing  
10 recommendations with Mr. Mendoza.  
11

12 6. Mr. Mendoza's primary language is Spanish. While his English language skills are  
13 good, he often requires the assistance of a Spanish language interpreter for court  
14 proceedings or to discuss complex legal matters. A Spanish interpreter will likely be  
15 required to assist in review of the Final Pre-Sentence Investigation Report (PSR) and  
16 sentencing recommendations with Mr. Mendoza.  
17

18 Given the late disclosure of the Final PSR and sentencing recommendations, along with  
19 Mr. Mendoza's location and need for potential assistance from a Spanish language interpreter,  
20 defense counsel requires additional time to prepare for the Sentencing Hearing in this matter. It  
21 is therefore requested that the Court vacate the Sentencing Hearing on September 24, 2024, and  
22 set a Sentencing Hearing on October 15, 2024. The assigned probation officer has confirmed her  
23 availability on the requested date. The government does not oppose the request.  
24

25 The defense further requests to modify the remaining Pre-Sentence Investigation Report  
26 (PSR) Disclosure Schedule as follows:  
27

28 ORDER CONTINUING SENTENCING  
HEARING AND MODIFYING  
PSR DISCLOSURE SCHEDULE

- 1       1. Motion for Correction Date: October 1, 2024; and  
2       2. Reply Date: October 8, 2024

3           This request follows a guilty plea so an exclusion of time pursuant to the Speedy Trial  
4           Act is not required. Assistant U.S. Attorney Angela Scott has authorized Todd D. Leras via  
5           email to sign this stipulation on her behalf.

6           DATED: September 18, 2024

7           By /s/ Todd D. Leras for  
8                   ANGELA L. SCOTT  
9                   Assistant United States Attorney

10          DATED: September 18, 2024

11          By /s/ Todd D. Leras  
12                   TODD D. LERAS  
13                   Attorney for Defendant  
14                   JULIO MENDOZA MADRIGAL

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28           ORDER CONTINUING SENTENCING  
                 HEARING AND MODIFYING  
                 PSR DISCLOSURE SCHEDULE

## ORDER

Given the above stipulations between the parties, and good cause appearing to exist, the Sentencing Hearing, currently set for September 24, 2024, is vacated. The Sentencing Hearing in this matter is continued to October 15, 2024, at 9:30 a.m. The partial PSR Disclosure Schedule modification requested by the parties is adopted. The parties acknowledge and understand that no further continuances of the Sentencing Hearing will be entertained absent the existence of good cause.

IT IS SO ORDERED.

Dated: September 18, 2024

Dale A. Droyd

DALE A. DROZD  
UNITED STATES DISTRICT JUDGE

**ORDER CONTINUING SENTENCING  
HEARING AND MODIFYING  
PSR DISCLOSURE SCHEDULE**